

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1099, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 3 and safety and to make an appropriation.
- 4 Page 5, delete lines 13 through 14.
- 5 Page 6, line 1, after "individuals" insert "**in accordance with rules**
- 6 **adopted under section 3.5 of this chapter**".
- 7 Page 7, line 18, delete "(a) After application to" and insert "**The fire**
- 8 **prevention and building safety commission may adopt rules under**
- 9 **IC 4-22-2 that specify the conditions under which the chief of a**
- 10 **municipal or township fire department may grant a permit to a**
- 11 **person to sponsor a special discharge location in the municipality**
- 12 **or township.**".
- 13 Page 7, delete lines 19 through 42.
- 14 Page 8, delete lines 1 through 33.
- 15 Page 11, delete lines 34 through 39, begin a new line block indented
- 16 and insert:
- 17 "(3) an annual registration fee of:
- 18 (A) one thousand dollars (\$1,000) **for the first location;**
- 19 (B) **five hundred dollars (\$500) for each additional sales**
- 20 **location in a tent; and**

1 **(C) two hundred dollars (\$200) for each additional sales**
 2 **location in a structure;"**.

3 Page 11, line 41, after "be" insert **"collected by the department of**
 4 **state revenue and"**.

5 Page 12, line 37, delete "8(d)".

6 Page 12, delete lines 38 through 42, begin a new paragraph and
 7 insert:

8 **"(b) A person who ignites, discharges, or uses consumer**
 9 **fireworks other than those described in section 8(a) of this chapter**
 10 **at a site other than:**

11 **(1) a special discharge location;**

12 **(2) the property of the person; or**

13 **(3) the property of another who has given permission to use**
 14 **the consumer fireworks;**

15 **commits a Class C infraction. However, if a person takes an action**
 16 **described in this subsection not later than five (5) years after the**
 17 **person previously took an action described in this subsection,**
 18 **whether or not there has been a judgment that the person**
 19 **committed an infraction in taking the previous action, the person**
 20 **commits a Class C misdemeanor.**

21 **(c) A person less than eighteen (18) years of age who:**

22 **(1) possesses a:**

23 **(A) consumer firework;**

24 **(B) novelty; or**

25 **(C) trick noisemaker;**

26 **other than those set forth in section 8(a) of this chapter; or**

27 **(2) uses a consumer firework when an adult is not present and**
 28 **responsible at the location of the use;**

29 **commits a Class C infraction. However, if a person possesses as**
 30 **described in subdivision (1) or uses as described in subdivision (2)**
 31 **not later than five (5) years after a previous possession or use by**
 32 **the person as described in this subsection, whether or not there has**
 33 **been a judgment that the person committed an infraction in the**
 34 **previous possession or use, the person commits a Class C**
 35 **misdemeanor.**

36 **(d) A person commits a Class A misdemeanor if the person**
 37 **recklessly, knowingly, or intentionally uses consumer fireworks**

1 other than those described in section 8(a) of this chapter and the
2 violation causes harm to the property of a person.

3 (e) A person commits a Class D felony if the person recklessly,
4 knowingly, or intentionally uses consumer fireworks other than
5 those described in section 8(a) of this chapter and the violation
6 results in serious bodily injury to a person.

7 (f) A person commits a Class C felony if the person recklessly,
8 knowingly, or intentionally uses consumer fireworks other than
9 those described in section 8(a) of this chapter and the violation
10 results in the death of a person.

11 (g) A person commits a Class D felony if the person knowingly
12 fails to collect or remit to the state the public safety fees due under
13 section 11 of this chapter.

14 SECTION 8. IC 22-11-14-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE] 1: Sec. 7. (a) A retailer
16 selling fireworks at one (1) or more temporary stands must obtain a
17 fireworks stand retail sales permit, referred to in this section as a
18 "permit", from the state fire marshal.

19 (b) An application for a permit must be made before June 1 of each
20 year and must require that at least the following information be supplied
21 by the retailer:

22 (1) The retailer's retail merchant certificate number or proof of
23 application for a certificate number.

24 (2) The location of each stand.

25 The state fire marshal shall, within seven (7) days after the receipt of an
26 application for a permit, either issue the permit or notify the applicant
27 of the denial of the permit.

28 (c) The retailer must pay to the state fire marshal an annual permit
29 fee set under IC 22-12-6-8. If the state fire marshal approves an
30 application for a permit, he shall issue a permit to the retailer. The
31 permit expires one (1) year after the date of issuance.

32 (d) The permit shall be posted by the retailer at the stand so that it
33 is easily seen by the public. However, the state fire marshal's issuance
34 of a permit does not constitute approval of the fireworks offered for sale
35 by the retailer. The retailer is responsible for determining that all
36 fireworks which he offers for sale conform to applicable law.

37 (e) At each stand, the retailer shall provide:

(1) a posted certificate of compliance, including a descriptive list of approved fireworks; and

(2) a supervisor who is at least sixteen (16) years of age.

(f) Fireworks may not be sold at retail from ~~trucks, vans, or automobiles~~. **a motor vehicle (as defined in IC 9-13-2-105).**

SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** A person shall not sell at retail, ~~or~~ offer for sale at retail, **or deliver** any **consumer** fireworks, novelties, or trick noisemakers **to a person less than eighteen (18) years of age** other than the following:

(1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item.

Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.

(2) Cylindrical fountains.

(3) Cone fountains.

(4) Illuminating torches.

(5) Wheels.

(6) Ground spinners.

(7) Flitter sparklers.

(8) Snakes or glow worms.

(9) Smoke devices.

(10) Trick noisemakers, which include:

(A) Party poppers.

(B) Booby traps.

(C) Snappers.

(D) Trick matches.

(E) Cigarette loads.

(F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) An individual who sells consumer fireworks other than those listed in subsection (a) must be at least eighteen (18) years of age.

(d) The fire prevention and building safety commission may adopt rules under IC 4-22-2 establishing procedures to ensure compliance with the age limitations set forth in this section.

SECTION 10. IC 22-11-14-8.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. A person is strictly liable**
 3 **for death, bodily injury, or property damage caused by that**
 4 **person's use of consumer fireworks."**

5 Delete page 13.

6 Page 14, delete lines 1 through 20.

7 Page 15, line 14, delete "paid to the department to be" and insert
 8 **"deposited in the state general fund."**

9 Page 15, delete lines 15 through 25.

10 Page 15, line 26, delete "fire prevention and building safety
 11 commission" and insert **"department of state revenue"**.

12 Page 15, line 27, delete "administration of the".

13 Page 15, line 28, delete "and distribution".

14 Page 16, delete lines 10 through 32.

15 Page 16, line 39, delete "homeland".

16 Page 16, line 40, delete "security;" and insert **"state revenue;"**.

17 Page 17, line 5, after "commission" insert **"and the department of**
 18 **state revenue"**.

19 Page 18, delete lines 1 through 13, begin a new paragraph and insert:

20 **"SECTION 18. [EFFECTIVE UPON PASSAGE] The department**
 21 **of homeland security shall report to the budget committee by July**
 22 **1, 2006, on the feasibility of the following:**

23 **(1) Creating a regional program to:**

24 **(A) train public safety service providers under**
 25 **IC 10-19-9-3; and**

26 **(B) provide advanced training programs in public safety**
 27 **and homeland security matters under IC 10-19-9-4.**

28 **The report must set out the need for the training, identify**
 29 **possible locations where training could take place, provide an**
 30 **estimate of the costs for providing such training, and include**
 31 **other things the department determines to be relevant.**

32 **(2) Establishing a state disaster relief fund to provide:**

33 **(A) matching financial assistance to state agencies and**
 34 **political subdivisions under any federal program; and**

35 **(B) direct aid to individuals, families, or communities in the**
 36 **event that an emergency event does not receive a**
 37 **presidential major disaster declaration.**

1 SECTION 19. [EFFECTIVE UPON PASSAGE] **There is**
2 **appropriated from the fees collected under IC 22-11-14-11, as**
3 **added by this act, one million dollars (\$1,000,000) to the**
4 **department of homeland security to provide regional training for**
5 **public safety service providers or advanced training programs**
6 **during the period beginning July 1, 2006, and ending June 30,**
7 **2007. Funds appropriated by this SECTION may be allotted by**
8 **the budget agency after review by the budget committee."**

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1099 as reprinted February 3, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

Kenley

Chairperson